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*Attorneys for Defendants C. R. Bard, Inc. and  
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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability  
Litigation,

No. 2:15-MD-02641-DGC

**THE PARTIES' JOINT MOTION TO  
EXTEND DEADLINE FOR TRACK 2  
CASES**

1 Under Case Management Order No. 42 (Doc. 16343) and this Court's order dated  
2 November 15, 2019 (Doc. 20954), the parties have until May 1, 2020 to complete settlement  
3 paperwork and file stipulated dismissals for Track 2 cases that were settled as of December 1, 2019.  
4 Even in the best of times, finalizing this large volume of settlements within five months would be  
5 an enormous challenge. Under the present circumstances, with the disruption caused by the Covid-  
6 19 pandemic, the task has proven to be impossible to accomplish. The parties therefore jointly  
7 move this Court to extend the May 1, 2020 deadline relating to Track 2 Cases in Case Management  
8 Order No. 42 cases until November 1, 2020.

9 Over 1,800 Track 2 cases are presently settled and subject to a term sheet. Those cases  
10 were identified in Exhibit "D" to the parties' report submitted on December 6, 2019 (Doc. 21092)  
11 or later added to the list prior to the most recent remand order. In the December 6th report, and  
12 even before the emergence of the pandemic, the parties acknowledged the possibility that finalizing  
13 settlements of that volume by May 1<sup>st</sup> might be difficult. Specifically, the parties noted:

14  
15 In the event Track 2 settlement agreements provide for funding after  
16 May 1, 2020, or due to currently unknown or unforeseen  
17 circumstances any case is not funded until after May 1, 2020, the  
18 parties hereby request that said dismissals need not be filed until 5  
19 days after the settlement is fully funded. If permitted, the parties  
involved in said settlements will advise the court in a joint filing on  
or before May 1, 2020, which cases fall within this category.

20 (Doc. 21092 at 3). Since that date, "unforeseen circumstances" have obviously occurred (with the  
21 development of the pandemic), disrupting much more than just the timing of getting the settlements  
22 funded.

23 A majority of the Track 2 cases at issue are controlled by attorneys with large case  
24 inventories. In fact, members of the Plaintiffs' Steering and Executive Committees are representing  
25 many of the plaintiffs in the cases presently on Track 2. Many of those attorneys have dozens (and  
26 in some instances, hundreds) of individual cases that have been settled. Implementing the  
27 settlements outlined in the term sheets requires those attorneys to contact each of their clients, to  
28 confirm their acceptance of the settlement amounts contemplated, and then to obtain signed releases

1 from those individuals. That process is extremely time-consuming and complicated in normal  
 2 circumstances. Now, however, the process has become particularly daunting. Most of the law  
 3 offices involved have closed because of the pandemic, and employees in most instances are  
 4 working remotely. Most telephone communication is occurring via cell phones, without a  
 5 centralized method of fielding and routing calls. The sending and receiving of releases is made  
 6 more complicated by the fact that law firm employees are generally working outside of their offices.  
 7 In short, the business disruption caused by the pandemic has complicated the process in a myriad  
 8 of ways.

9 For all of those reasons, the parties respectfully and jointly request that the May 1<sup>st</sup> deadline  
 10 be extended until November 1, 2020. The parties stand ready to discuss and address any questions  
 11 the Court may have about this request, and would appreciate the opportunity for a telephone hearing  
 12 to apprise the court more fully about the circumstances.

13 Respectfully submitted, this 24th day of April, 2020.

14 LOPEZ McHUGH, LLP

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16 By: s/ Ramon Rossi Lopez

By: s/ Richard B. North

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2020 the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

/s/ Richard B. North